

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Isaac Green

v.

Civil No. 18-cv-203-PB

YouTube, Inc. et al.

**O R D E R**

Plaintiff Isaac Green has filed a complaint (Doc. No. 1) in this matter, asserting claims against defendants YouTube, Inc.; Facebook; Twitter, Inc.; Google, Inc.; Patreon; and GoFundMe. Green is proceeding pro se in this matter, and has paid the filing fee, and thus the case is before the magistrate judge for preliminary review to determine whether the complaint invokes the subject matter jurisdiction of this court. See LR 4.3(d)(3). Green has also made the following filings in this case, which are before the court for consideration:

- "Plaintiff's Motion to Consolidate Federal Rule 42" (Doc. No. 2);
- "Plaintiff's Motion for Leave to Play Videos on YouTube During Case (Oral Argument)" (Doc. No. 3); and
- "Plaintiff's Motion Discovery Rule 26, Duty to Disclose" (Doc. No. 5).

## **Discussion**

### **I. Non-Attorney Representative**

Green has attached a document to his complaint entitled "Durable Power of Attorney," (Doc. No. 1-1), in which he purports to give another individual, Natasha DeLima, authority to act and appear on Green's behalf in this matter. DeLima is the plaintiff in a similar lawsuit before the court, DeLima v. YouTube, Inc., No. 17-cv-733-PB (D.N.H.) ("DeLima Case"). Green has filed a motion (Doc. No. 2) seeking to consolidate this action with the DeLima Case. Whether these actions are consolidated or remain separate, DeLima, as a non-attorney, cannot appear on Green's behalf before this court. See 28 U.S.C. § 1654; LR 83.2(d) ("Persons who are not members of the bar of this court . . . will be allowed to appear before this court only on their own behalf."). Accordingly, notwithstanding the "Durable Power of Attorney" Green has signed and filed with the complaint, DeLima may not act or appear on Green's behalf in this matter.

### **II. Service**

The court finds that Green has sufficiently invoked the subject matter jurisdiction of this court to allow the action to proceed. Accordingly, the court directs that the complaint be served upon the following defendants: YouTube, Inc.; Facebook;

Twitter, Inc.; Google, Inc.; Patreon; and GoFundMe. This court's determination that the complaint should be served is issued without prejudice to the defendants' ability to move to dismiss this action on any proper basis, including jurisdictional grounds.

Plaintiff has provided the court with summons forms for defendants YouTube, Inc.; Facebook; Twitter, Inc.; Google, Inc.; Patreon; and GoFundMe. See Doc. No. 1-4. The summons forms submitted, however, are not accurate, as they include, in the case caption, two individuals as plaintiffs who are not plaintiffs in this case, and docket numbers for other cases in this court.

Accordingly, the clerk's office is directed to forward six blank summons forms to Green. Green is directed to complete a new summons form for each defendant he has named in this case. The new summonses should list himself as the sole plaintiff in this case, and "18-cv-803-PB" as the sole docket number. Green is directed to complete and return the new summons forms to the clerk's office within fourteen days of the date of this Order. After receipt from Green of the completed summons forms, the clerk's office is directed to issue the summonses, and then to forward to the United States Marshal for the District of New Hampshire ("U.S. Marshal") the summonses, and copies of: the

complaint (Doc. No. 1); plaintiff's motions docketed as Document Nos. 2, 3, and 5; and this Order.

Upon receipt of the necessary documentation, the U.S. Marshal's office shall serve process upon defendants YouTube, Inc.; Facebook; Twitter, Inc.; Google, Inc.; Patreon; and GoFundMe, pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(h). Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

### **III. Post-Service Filings**

After the complaint is served, Green may serve documents on defendants, or their attorneys who have appeared in this action, in accordance with Fed. R. Civ. P. 5(b) or AP 2.8(b). Thus, as to any party or attorney who is not registered to use the court's electronic filing system, Green must serve all future pleadings, written motions, notices, or similar papers directly on defendants by delivering or mailing the materials to defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b). As to any attorney or party that is registered to use the court's electronic filing system, Green need not serve a hard copy of his filings on that party or attorney, as a party using the electronic filing system will receive notice when Green's documents are filed in the court.

AP 2.8(b) does not cover discovery requests and responses, however, which means that paper copies of certain Rule 26 disclosures, discovery requests, and responses must still be mailed to other parties or their attorneys, pursuant to Fed. R. Civ. P. 5(d)(1). A certificate of service must be included with all filings, in accordance with Fed. R. Civ. P. 5(d)(1) and LR 5.1(d).

#### **IV. Pending Motions**

The motions docketed in this case as Document Nos. 2, 3, and 5 are taken under advisement pending the appearance of the defendants and their response(s) to the motions. Defendants are directed to respond to each of the above-listed motions within twenty-one days of the date of service.

#### **Conclusion**

For the foregoing reasons, the court directs as follows:

1. The clerk's office is directed to send Green six blank summons forms. Green is instructed to complete the summons forms for each defendant named in his complaint, as set forth in this Order, and return the completed forms to the court within fourteen days of the date of this Order.

2. Upon receipt of the completed summons forms, the clerk's office is directed to effect service of this action on

the defendants, as set forth in this Order.

3. Defendants are directed to answer or otherwise respond to the complaint, and to object or otherwise respond to the plaintiff's motions docketed as Document Nos. 2, 3, and 5 within fourteen days of service of this action.

SO ORDERED.

A handwritten signature in black ink, reading "Andrea K. Johnstone", written over two horizontal lines.

Andrea K. Johnstone  
United States Magistrate Judge

March 14, 2018

cc: Isaac Green, pro se